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6 **IN THE UNITED STATES DISTRICT COURT FOR THE**  
7 **EASTERN DISTRICT OF CALIFORNIA**  
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9 **ERNEST MERRILL, LILA MERRILL** ) **CV F 05-0195 AWI SMS**  
10 )  
11 **Plaintiffs,** ) **ORDER VACATING SEPTEMBER**  
12 **v.** ) **17, 2007 AND TAKING MOTION**  
13 **COUNTY OF MADERA, et al.,** ) **UNDER SUBMISSION**  
14 **Defendants.** )  
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16 Plaintiffs' motion for a new trial and to amend the judgement has been set for hearing on  
17 September 17, 2007. The court has reviewed the moving papers and opposition and has  
18 determined that this motion is suitable for decision without oral argument. Local Rule 78-  
19 230(h).

20 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of September  
21 17, 2007 is VACATED, and the parties shall not appear at that time. As of September 17, 2007,  
22 the court will take the motion under submission, and will thereafter issue its decision.

23  
24 IT IS SO ORDERED.

25 **Dated: September 13, 2007**

**/s/ Anthony W. Ishii**  
**UNITED STATES DISTRICT JUDGE**